

रजिस्टर्ड नं० पी०/एस० एम० 14



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 17 फरवरी, 1982/28 माघ, 1903

हिमाचल प्रदेश सरकार

परिवहन विभाग

अधिसूचना

प्रति

शिमला-2, 12 जनवरी, 1982

संख्या 6-80/81(परिवहन).—मोटर यान अधिनियम, 1939 (1939 का 4) की धारा 63 की उप-धारा (3-ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश के राज्यपाल महोदय, गुजरात, हरियाणा, मध्य प्रदेश, महाराष्ट्र, पंजाब, राजस्थान, उत्तर प्रदेश, हिमाचल प्रदेश, जम्मू काश्मीर राज्य और दिल्ली तथा चण्डीगढ़ संघ राज्यों के बीच माल

वाहन गाड़ियों के लिए परस्पर करार करने का प्रस्ताव करते हैं जिसका प्रारूप संलग्न है तथा उक्त उप-धारा की अपेक्षा-नुसार इस से प्रभावित हो सकने वाले व्यक्तियों की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है और इस के द्वारा सूचना दी जाती है कि इस अधिसूचना के राजपत्र, हिमाचल प्रदेश में प्रकाशित होने की तिथि से 30 दिन की अवधि बीत जाने के बाद, उक्त करार प्रारूप पर विचार किया जायेगा। निर्धारित अवधि की समाप्ति के पहले उक्त करार प्रारूप के सम्बन्ध में किसी भी व्यक्ति से जो भी आपत्ति या सुझाव सचिव (परिवहन), हिमाचल प्रदेश सरकार, शिमला-2 को प्राप्त होगा, उस पर राज्य सरकार विचार करेगी।

आर० के० आनन्द,
सचिव।

Draft reciprocal agreement for public carriers between the States of Gujarat, Haryana, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Uttar Pradesh, Himachal Pradesh, Jammu and Kashmir, Delhi and Chandigarh.

This agreement made this _____ day of _____ one thousand nine hundred and eighty-two between the Governor of Gujarat of the One Part, the Governor of Haryana of the Second Part, the Governor of Madhya Pradesh of the Third Part, the Governor of Maharashtra of the Fourth Part, the Governor of Punjab of the Fifth Part, the Governor of Rajasthan of the Sixth Part, the Governor of Uttar Pradesh of the Seventh Part, the Governor of Himachal Pradesh of the Eighth Part, the Governor of Jammu and Kashmir of the Ninth Part, the President of India for and on behalf of the Union Territory of Delhi of the Tenth Part and the President of India for and on behalf of the Union Territory of Chandigarh of the Eleventh Part.

Whereas by an agreement dated the 5th September, 1981 between the Parties of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Parts, the said Parties entered into a reciprocal agreement with a view to encourage long distance inter-State transport of goods by and between the States of Gujarat, Haryana, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Uttar Pradesh, Himachal Pradesh, Jammu and Kashmir, Delhi and Chandigarh.

And whereas by mutual agreement, the Parties hereto have agreed to modify the terms and conditions of the said agreement dated the 5th September, 1981 and to enter into an agreement as herein contained, in partial modification of the existing agreement dated 5th September, 1981.

IT IS NOW AGREED BY AND BETWEEN THE ABOVE PARTIES AS FOLLOWS:

I. That this reciprocal agreement shall be in force from the 1st April, 1981 and shall be valid upto the 31st March, 1984. It may be renewed for such further period as may be mutually agreed to by all the signatories to this agreement. For reasons to be given in writing by any of the signatory States, this reciprocal agreement may be revoked on three months' notice. Such revocation shall, however, abridge and modify the operation of these agreements only in so far as it relates to the withdrawing States subject to the condition that permits already issued under this agreement will continue to be valid till the expiry of these permits irrespective of withdrawal by the State or States from this agreement.

II. The total number of vehicles for which composite permits shall be issued shall not exceed 450 for each of the States of Gujarat, Haryana, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Uttar Pradesh, Himachal Pradesh, Jammu & Kashmir and Delhi and 180 in the case of Chandigarh. The composite permits issued by the competent transport authority of each signatory State shall be valid on all National and State Highways chosen

for operation. A list of these National and State Highways in each signatory State is annexed in the schedule hereto. The competent transport authority shall also issue each of such permit holders an authorisation in the form annexed to this agreement and such authorisation shall correspond to the period for which the advance payment has been received provided that the authorisation at one time shall not exceed a period of one year.

It shall, however, be open to any vehicle plying under such authorisation to deviate from the specified routes for a distance not exceeding 60 kms on either side of the specified routes.

II A. If the composit permit holder fails to apply for renewal of authorisation for minimum number of States required to be chosen for operation under the agreement within the period of one month from the date of expiry of previous authorisation, his permit shall be liable to be cancelled.

III. (i) Each applicant for a composit permit shall have to choose a minimum of three States *i.e.* Home State and any two other States out of the remaining ten for operation with effect from the date of this agreement.

(ii) If a composite permit holder chooses to exclude a contiguous State for operation through which his vehicle must have to pass to reach any other State chosen for operation within the scheme, the holder of the permit shall have to pay full taxes to the "transit" State.

(iii) A composite permit holder of a State shall be allowed to operate in any other State, separately covered under a bilateral agreement, but the same vehicle will not be allowed to be used both for the composite permit scheme as also the bilateral agreement scheme, in the same State.

(iv) An option once exercised by a composite permit holder will not be allowed to be changed before a period of one year.

(v) Notwithstanding that a composite permit holder will not be allowed the option once exercised to be changed before a period of one year as per sub-clause (iv) above, the composite permit holder may, at his option, come up at any time during the course of the year for addition of State or States covered by the zone in his authorisation, provided he is agreeable to pay full taxes for the year. During the period of authorisation once granted, no deletion of State or States once opted shall be allowed.

IV. A public carrier operating under this agreement shall be free to operate without restriction of routes in the Home State whereas while operating in any area outside the Home State such a public carrier shall not pick up or set down goods between any two points lying wholly within the jurisdiction of the reciprocating State *i.e.* in such cases vehicles shall be prohibited from carrying any inter-State business.

V. A public carrier operating under this agreement shall be subject to the following limitations and restrictions:—

(1) No vehicle may be authorised under this agreement which—

(a) is more than 4 years old on the date of grant of the authorisation and is more than 9 years old at any time ;

(b) does not carry the prescribed markings and distinguishing particulars and is not painted in the prescribed colour scheme as provided in the schedule annexed herewith ;

(c) is not fitted with body in conformity with the pattern as prescribed in the schedule annexed herewith.

(2) A public carrier plying under this agreement shall at all times carry a bill of lading in the form prescribed in the schedule annexed. Carriage of goods not in conformity with the declaration in the bill of lading shall be construed as infringement of the condition of the permit making the permit-holder liable under section 60 of the M.V. Act.

(3) Such vehicles shall conform to and comply with all provisions of the M.V. Act as well as the provisions of the M. V. Rules framed by the home State subject to such restrictions as may be imposed by the State Governments from time to time under the provisions of the M. V. Act, 1939.

(4) The certificate of fitness of such a vehicle shall be liable to be suspended or cancelled by the competent authority of the home State if it is found to be not in conformity with the provisions relating to fitness, colour and body specifications as detailed in the schedule annexed hereto.

(5) Any authorisation holder plying under this agreement shall file a quarterly return in regard to such vehicle in the form prescribed as detailed in the schedule annexed hereto in quadruplicate to the Secretary of the State Transport Authority of the home State who, in turn, shall furnish copies thereof to the Secretaries, State Transport Authorities of the other signatory States.

(6) Such a vehicle shall at all times carry—

- (a) a valid certificate of fitness;
- (b) a certificate of registration; and
- (c) bill/bills of lading covering goods actually carried in the vehicle at the moment.

(7) Such a vehicle shall at all times carry valid authorisation in the form as detailed in the schedule annexed granted under this agreement and issued under the signature and seal of the competent transport authority of the home State.

VI. A vehicle plying under authorisation issued under this special agreement may be stopped and inspected for the purpose of enforcement of the provisions of this agreement by an officer of the rank of Assistant Inspector of Motor Vehicle or Sub-Inspector of Police or any other officer whose rank is mutually agreed upon by the signatory States. Such an Inspecting Officer shall issue a check report in triplicate, one copy of which shall be served on the person in charge of the vehicle, the second shall be sent to the competent transport authority of the home State and third copy sent to the competent transport authority of the State concerned. The competent transport authority of home State, on receipt of the copy of the check report, may take such action as he may deem fit.

VII. (1) A composite permit holder plying under authorisation shall be liable to pay as under:—

- (a) Motor Vehicles tax and the Goods Tax obtaining in the home State.
- (b) A sum of Rs. 500/- per annum in lieu of taxes mentioned in clause (a) above to Delhi in case it is chosen for operation, a sum of Rs. 150/- per annum in lieu of taxes mentioned in clause (a) above to Chandigarh in case it is chosen for operation and a sum of Rs. 1000/- per annum in lieu of taxes mentioned in clause (a) above to each of the remaining States, other than the home State, chosen by the operator. This sum shall be paid in advance by a crossed bank draft on or before the 15th of March every year (irrespective of the RLW and PLW of the vehicle). For this purpose, all signatory States shall make suitable provisions in their taxation laws. Each signatory State shall designate a competent authority for the purpose of receiving

the amount mentioned above on behalf of other States, which shall thereafter be transferred to the respective States. Such competent authority shall stamp and endorse the authorisation to that effect. Any vehicle plying under such an authorisation in the absence of such a valid endorsement shall be deemed to be plying in contravention of the condition of the permit and shall be liable to suspension and cancellation of the permit under Sec. 60 of the M. V. Act.

The sums mentioned above will not be inclusive of Municipal levies, such as octroi etc. and composite permit holder will be liable to pay them separately.

(2) Notwithstanding that the amount is required to be paid for the whole year in advance as per sub-clause (1) above, the owner of the vehicle may, at his option, pay in two equal instalments, the first on or before 15th March (every year) for the period April-September and the second instalment on or before 15th September (of the current financial year) for the period October-March and obtain endorsement of having paid this amount from the competent authority of the home State in certificate specified in Annexure-II.

(2A) A composite permit-holder shall be required to pay a fee of Rs. 300/- per year per vehicle for grant of an authorisation irrespective of the number of States chosen for operation. This sum shall be paid in advance in full irrespective of whether authorisation is granted at the commencement of financial year or after the commencement thereof by bank draft to the competent authority of the home State who will retain the amount.

(3) If the vehicle covered by the authorisation is kept under non-use for a period/periods during the validity of the authorisation, no refund of amount paid under sub-clause (1), (2) (2 A) and (6) for that period/periods will be allowed.

(4) If the initial authorisation is granted at any time after the first quarter of the financial year, the tax/amount shall be assessed on prorata basis for the remaining quarters of the financial year including the quarter in which the authorisation is granted. For this purpose, a quarter shall be taken as a unit and not months and days, provided that this relief shall not be admissible for subsequent authorisations.

(5) If the vehicle covered by the authorisation is sought to be replaced by another suitable vehicle after prior permission of the authority which originally granted the permit, the registration mark of the replaced vehicle may be noted by the home State Transport Authority in the authorisation and the tax/amount already paid shall be deemed to have been paid for the replaced vehicle for the period following the date on which the vehicle is replaced.

(6) If an operator does not pay the composite tax within the prescribed period, he shall be liable to pay, in addition to the composite tax of Rs. 1000/-, an additional sum of Rs. 100/- per month or part thereof for each of the States covered by the scheme in respect of which payment is delayed. The said amount shall be payable through crossed bank draft in the name of the designated authority of State concerned and shall be sent to the State concerned as and when received. The operator would also be required to pay any other penalty for delay in payment of home State taxes that might be imposed by the State under its own rules.

VIIA. If a composite permit-holder proposes to replace his vehicle by another vehicle, the latter vehicle shall be not more than four years old on the date of application for such replacement.

VIII. The competent authority of the home State shall receive the amount on behalf of the other States as the case may be in the form of crossed bank drafts. These drafts shall be made payable in the name of the designated authority of the State concerned and shall be sent by the home State to the State concerned as and when received along with a statement showing the details of the vehicle number, crossed bank drafts number, and date and amount, period for which paid etc.

IX. (A) For the implementation of this agreement, the STA or the RTA, as the case may be, of the State shall issue composite permits for the inter-State routes or areas, as the case may be, covered by this reciprocal agreement for any three or more of the signatory States; such a composite permit-holder shall have the benefit of rule framed under Sec. 68 (2) (hh) read with Sec. 63 (1) of the M. V. Act, 1939 referred to in para below and the competent authority shall furnish copies of these composite permits (Part B only) to other signatory States within 30 days of issue.

(B) Further, all the signatory States shall frame a suitable rule under Sec. 68(2) (hh) read with Sec. 63 (1) to provide that composite permit so granted shall be valid without counter signature in the areas of the other signatory States and the Secretary of the State Transport Authority or the competent authority, as the case may be, of the home State shall issue an authorisation in the form prescribed in the schedule.

(C) Such composite permits shall be valid in all the signatory States other than the home State on all National and State Highways of each State as specified in permit. A list of these Highways is annexed in the schedule hereto. The composite permits shall also be valid on such other National Highways and State Highways as may be notified from time to time by the Union Government or the State Governments concerned and which are endorsed on the permit.

X. In the case of the transfer of the composite permits, the authorisation granted under this agreement shall not be transferable except with the approval of the Secretary of the State Transport Authority or the competent authority of the home State as the case may be.

XI. In this agreement, the term 'Home State' means the State in the territory of which the composite permit under section 56 has been granted and authorisation therefor is issued under this agreement.

XII. For the purpose of this agreement, the term "year" shall be deemed to be a financial year.

XIII. For the purpose of this agreement, each of eleven parties hereto shall be deemed to be a "State".

(Secretary to Govt, of Gujarat, Home Department, Gandhinagar.	(Secretary to Govt. of Rajasthan, Home (Transport) Department, Jaipur.
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(Secretary of Govt. of Haryana, Transport Department, Chandigarh.	(Secretary to Govt. of Uttar Pradesh, Trans- port Department, Lucknow.
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(Secretary to Govt. of Madhya Pradesh, Home Department, Bhopal.	(Secretary to Govt. of Himachal Pradesh, Transport Department, Simla.
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(Secretary to Govt. of Maharashtra, Home Department, Bombay.	(Secretary to Govt. of Jammu & Kashmir, Transport Department, Jammu.
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(Secretary to Govt. of Punjab, Transport Department, Chandigarh.	(Special Secretary (Transport), Delhi Ad- ministration, Delhi.
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(Transport Secretary, Chandigarh Adminis- tration, Chandigarh.

ANNEXURE-I

AUTHORISATION UNDER SPECIAL RECIPROCAL AGREEMENT

1. Name in full
(starting with surname
& complete address) No.
2. Registration mark
3. Engine No.
4. Chassis No.
5. Original Permit No.
6. Permit issuing authority
7. Make
8. Year of manufacture
9. RLW
10. ULW
11. Period of validity of
authorisation:

From To

12. Valid for the States:
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.
 - 8.
 - 9.
 - 10.

(Signature of the competent authority).

(Seal of the
competent authority).

ANNEXURE-II

CERTIFICATE OF PAYMENT OF TAX UNDER SPECIAL RECIPROCAL AGREEMENT

Rate of Annual Tax

Name of the State	Amount paid	Particulars of bank draft and date	Date of payment	Period for which paid	Registration No. of the vehicle
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Signature and seal of the authority.

ABSTRACT OF CONDITIONS OF COMPOSITE PERMIT

This authorises the operation of the vehicle on all the National and State Highways in the signatory States chosen for operation other than the home State. A list of National and State Highways is annexed hereto. The vehicles shall also be valid on such other National and State Highways as may be notified from time to time by the Union Government or the State Governments concerned and which are endorsed on the permits.

The vehicle shall also be authorised to deviate upto 60 km on either side of the specified routes.

2. While operating in any area outside the home State such a public carrier shall not pick up or set down goods between any two points plying wholly within the jurisdiction of the reciprocating State i. e. in such cases vehicles shall be prohibited from carrying any intra-State business.

3. The vehicles shall be painted in orange colour with a broad white border and a board showing the following inscription in white letters on black background shall be carried prominently above the "PUBLIC CARRIER" board:

Inscription: PERMIT UNDER SPECIAL RECIPROCAL AGREEMENT

*Valid in Gujarat, Haryana, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Uttar Pradesh, Himachal Pradesh, Jammu & Kashmir, Delhi and Chandigarh.

(*Strike out the name of the State not applicable).

4. The vehicle shall at all times carry the bill/bills of lading (in the manner directed by the STA, home State, covering the goods in the vehicle).

5. Quarterly return shall be submitted to the Secretary, State Transport Authority of the home State.

6. The vehicle shall conform and comply with all the provisions of M.V. Act as well as the provisions of the M.V. Rules framed by the Home State, subject to such conditions as may be imposed by the State Governments from time to time under the provisions of the M.V. Act, 1939.

7. The vehicle shall at all times carry a valid certificate of fitness, certificate of registration and insurance, the original permit documents and the authorisation issued under this agreement.

8. A composite permit holder plying under such an authorisation shall be liable to pay as under:—

(a) Motor Vehicles Tax and Goods Tax obtaining in the home State.

(b) A sum of Rs. 500/- per annum in lieu of taxes mentioned in clause (a) above to Delhi in case it is opted for operation, a sum of Rs. 150/- per annum in lieu of taxes mentioned in clause (a) above to Chandigarh in case it is opted for operation and a sum of Rs. 1000/- per annum in lieu of taxes mentioned in clause (a) above to each of the remaining States of his option other than the home State.

The sums mentioned above shall be payable in advance by crossed bank draft(s) on or before the 15th of March every year. The competent transport authority of the home State on collection of the amount stamp and endorse the authorisation to that effect.

The composite permit holder may, at his option, pay the annual tax/amount in two instalments, the first on or before 15th March (every year) for the period April-September and the second instalment on or before 15th September (of the current financial year) for the period October-March.

8A. A composite permit-holder shall be required to pay a fee of Rs. 300/- per year per vehicle for grant of an authorisation irrespective of the number of States chosen for operation. This sum shall be paid in advance by bank draft to the competent authority of the home State who will retain the amount.

9. (i) Each applicant for a composite permit shall have to choose a minimum of three States *i. e.* the home State and any two other States out of the remaining ten for operation, with effect from the date of this agreement.

(ii) If a composite permit-holder chooses to exclude a contiguous State for operation through which his vehicle must have to pass to reach any other State chosen for operation within the scheme, the holder of the permit shall have to pay full taxes to the "transit State".

(iii) An option once exercised by a composite permit-holder will not be allowed to be changed before a period of one year.

(iv) Notwithstanding that a composite permit-holder will not be allowed the option once exercised to be changed before a period of one year as per condition 9 (iii) above, the composite permit-holder may, at his option, come up at any time during the course of the year for addition of State or States covered by the Zone in his authorisation, provided he is agreeable to pay full taxes for the year. During the period of authorisation once granted, no deletion of State or States once opted shall be allowed.

10. If a composite permit-holder fails to apply for renewal of authorisation for minimum number of States required to be chosen for operation under the agreement within a period of one month from the date of expiry of previous authorisation, his permit shall be liable to be cancelled.

11. If an operator does not pay the composite tax within the prescribed period, he shall be liable to pay, in addition to the composite tax Rs. 1000/- an additional sum of Rs. 100/- per month or part thereof for each of the States covered by the scheme in respect of which payment is delayed. The said amount shall be payable through crossed bank draft in the name of the designated authority of the State concerned and shall be sent to the State concerned as and when received. The said operator would also be required to pay any other penalty for delay in payment of home State taxes that might be imposed by that State under its own rules.

12. If a composite permit-holder proposed to replace his vehicle by another vehicle, the latter vehicle shall be not more than four years old on the date of application for such replacement.

ANNEXURE-III BILL OF LADING

Name & Address of
the permit holder.

Truck No.

Bill No.
Date

Name of the consignors

Name of the consignee

Destination

No. of articles	Description of goods	Cwt. B. Mds. K. G.	Freight charges paid	Freight charge to pay	Total	Bill No..... Date..... Received..... package from.....
			Rs. P.	Rs. P.		

Truck No.

Signature.

(Signature of the carrier).

Signature of the consignor.

At carrier's risk

At owner's risk

Value of the goods Rs.....

Delivery at.....

Note: The bill of lading will be prepared in the proforma given above and will be in quadruplicate, the original (white) to be carried in the vehicle, the duplicate (light green) for consignor, the triplicate (pink) for the consignee and the fourth copy (cream yellow) for record of the Permit-holder.

ANNEXURE-IV
QUARTERLY RETURN

1. Name of the operator & address.
2. Registration mark of vehicle.
3. Composite Permit No.

SUMMARY OF TRIPS MADE DURING THE QUARTER

Month	Total distance covered in the States of										Total Re- dis- tan- ce of op- er- ation		
	Guja- rat	Har- yana	M. P.	Maha- rashtra	Pun- jab	Raja- sthan	U.P.	H.P.	J&K	Del- hi			
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Date

Signature of the Permit holder.

Note —In the remarks column, state reasons for low or high running in any particular State or States and any other points which caused low operation.

ANNEXURE-V

SPECIFICATION OF THE COLOUR SCHEME AND SPECIAL MARKINGS TO BE CARRIED ON THE VEHICLES AND THE CONSTRUCTION OF THE VEHICLE

1. The vehicle shall be painted in orange colour with broad (30 cm.) white borders. The words "W.Z." in big letters will be inscribed on two sides of the vehicle.
2. A board with the following inscription with white letters on black background shall also be carried so as to be clearly visible above the "PUBLIC CARRIER" board:

COMPOSITE PERMIT

(Under Special Reciprocal Agreement)

Valid in

*Gujarat, Haryana, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Uttar Pradesh, Himachal Pradesh, Jammu & Kashmir, Delhi and Chandigarh.

*Strike out the name of the States not applicable.

